

REMARKS

Claims 29-34, 37-42, 52-57, 60-63, and 75-78 are pending in this application. By this Amendment, claims 29-34, 37, 40-42, 52-55, 57, 60, and 62 have been amended, claims 35, 36, 43-51, 58, 59, 64-74 have been canceled without prejudice or disclaimer, and new dependent claims 75-78 have been added for further clarifying the invention.

Claims 35 and 58 are objected to for informalities. This rejection is moot since claims 35 and 58 are canceled without prejudice or disclaimer.

The following are the rejections of the August 3, 2005 Office Action:

(1) Claims 29-30, 33-39, 42-48, 50-53, 56-61, 64-70 and 72-74 stand rejected under 35 U.S.C. §103(a) over ETSI TS 125 322 v3.1.2 (hereinafter "ETSI TS") in view of U.S. Patent No. 6,408,009 B1 issued to Campbell (hereinafter "Campbell");

(2) Claims 32 and 55 stand rejected under 35 U.S.C. §103(a) over ETSI TS in view of Campbell and in further view 3GPP_TSG_RAN_WG2 archive-May 2000 (#16) (hereinafter referred to as "WG2 archive, May 2000");

(3) Claims 31 and 54 stand rejected under 35 U.S.C. §103(a) over ETSI TS in view of Campbell and in further view of U.S. Patent No. 6,788,686 issued to Khotimsky (hereinafter "Khotimsky").

(4) Claims 40, 41, 62 and 63 stand rejected under 35 U.S.C. §103(a) over ETSI TS in view of Campbell and in further view of 3GPP TSG RAN WGE Meeting #yy, "Change Request," Document R2-00xxxx (hereinafter "Change Request").

(5) Claims 49 and 71 stand rejected under 35 U.S.C. §103(a) over ETSI TS in view of Campbell in further view of TSGR2#12(00)867, "Transmission of the fixed sized PDUs through the Transparent RLC," TSG RAN WG 2#12, Seoul, Korea, 10-13 April, 2000 (hereinafter "TSGR2"). To the extent that above rejections are applicable to amended and pending claims, these rejections is respectfully traversed.

The primary combination of ETSI TS and Campbell fails to establish a prima facie case of obviousness, as required under Section 103. As admitted in the Office Action, "ETSI TS does not show that the transmission buffer receiving at least one service data unit from the upper layer," and "ETSI TS does not show segmentation module providing at least one protocol data unit based on the at least one SDU received from the transmission buffer." In view of such lacking features, the Patent Office relies upon Campbell directed to a packet transmission buffer 60 coupled to a system bus 50 used in a local area network.

It is respectfully submitted that there is no motivation for combining these two references, and the combination is based on impermissible hindsight. As specifically recited in the claims, an RLC transparent mode entity is a term well known in the wireless telecommunication field. The disclosure of the transmission packet buffer coupled to a system bus provides no teaching to one of ordinary skill in the wireless telecommunication art to swap the location of the transmission buffer and the segmentation module in an RLC transparent mode entity to solve at least the problems disclosed in the art. It is respectfully submitted that the proposed combination is based on impermissible hindsight using piecemeal reconstruction of the claimed features based on Applicants' own disclosure.

Independent claims 29 and 52 have been amended to recited “segmenting the at least one service data unit received from the transmission buffer into at least one protocol data unit (PDU) according to size information transferred from a lower layer.” It is respectfully submitted that such recited features and the combination thereof are neither disclosed nor taught by any of the applied references.

The most relevant rejection to this amended feature seems to be the combination of ETSI TS in view of Campbell, and further in view of WG2 archives, May 2000. However, it is respectfully submitted WG2 archive, May 2000 does not disclose or teach the features alleged in the Office Action, and in fact, the disclosure pinpointed in the Office Action (“Pg. 1, lines 12-13) is nowhere to be found.

In order to clarify the above, an explanation of the (1) WG2 archive, May 2000, (2) Change Request, and (3) TSGR2 is provided. WG2 archives, April 2000 (#93) is a print out of an e-mail from Juha Mikola of Nokia where document R2-000867 is shown as an attachment. The document R2-000867 corresponds to TSGR2 cited in the Office Action. As shown in TSGR2, the location of the transmission buffer and the segmentation module is the same as the ETSI TS.

Thereafter, WG2 Archives, May 2000, reference is a printout of an e-mail replying to the e-mail from Juha Mikola of Nokia by Per Beming of Ericsson (see second page of WG2 archives, May 2000, which contains the same text of WG2 archives, April 2000). Further, the Change Request is an attachment of this e-mail by Per Beming, as denoted by draft_RLC_TR.doc.

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It is obvious from this exchange of e-mails that the individuals or companies involved were still discussing an RLC transparent mode entity where the segmentation module is located prior to the transmission buffer. Hence, WG2 archives, May 2000, cannot disclose the alleged features, and the Patent Office interpretation of the disclosure in WG2 archive, May 2000, is erroneous. Hence, it is respectfully submitted that there is no disclosure and teaching of the features and the combination thereof presently recited in independent claims 29 and 52.

None of the other references cited in the Office Action fails to remedy the deficiencies discussed above. Hence, the proposed combinations fail to establish a prima facie case of obviousness, and withdrawal of these rejections is respectfully

CONCLUSION

In view of foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Daniel Y.J. Kim**, at the telephone number listed below.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Serial No. 09/993,520

Docket No. K-0324

Amendment dated **November 22, 2005**

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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